

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

In re Archdiocese of Milwaukee,

Debtor,

Bankruptcy Case No. 11-20059-SVK

**ARCHBISHOP JEROME E. LISTECKI, as
Trustee of the Archdiocese of Milwaukee Catholic
Cemetery Perpetual Care Trust,**

Plaintiff-Appellant-Movant,

-vs-

**Case No. 13-C-179
Adv. Proc. No. 11-2459-SVK**

OFFICIAL COMMITTEE OF UNSECURED CREDITORS,

Defendant.

DECISION AND ORDER

On April 1, the Court granted the appellant's motion for leave to pursue an interlocutory appeal. On April 10, the Court directed the Clerk's office to send a letter establishing a briefing schedule for the appeal pursuant to Federal Rule of Bankruptcy Appellate Procedure 8009. The appellant now moves to clarify, arguing primarily that a briefing schedule is premature because the record on appeal has not been completed and transmitted from the bankruptcy court to the district court. Fed. R. Bankr. P. 8007(b); 8009(a)(1) ("The appellant shall serve and file a brief within 14 days after entry of the appeal on the docket pursuant to Rule 8007").

The reason the Court directed the Clerk to establish a briefing schedule is because it seemed as if the complete record had already been transmitted pursuant to Rule 8007. *See* ECF No. 1, Attachment designated “Record on Appeal.” Obviously, the Court was mistaken. Therefore, the appellant’s motion to clarify [ECF No. 10] is **GRANTED**. The briefing schedule [ECF No. 7] is **VACATED**. Docketing and briefing should proceed as contemplated by the bankruptcy rules.

Dated at Milwaukee, Wisconsin, this 18th day of April, 2013.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge